IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.RAMKUMAR

MONDAY, THE 2ND APRIL 2007 / 12TH CHAITHRA 1929

Bail Appl..No. 2004 of 2007()

CRIME NO.36/07 OF PANDIKKAD POLICE STATION

: PETITIONER

MAJEED, S/O ALAVI,
MADATHINGAL HOUSE, KAKKULAM, ERANAD TALUK,
MALAPPURAM.

BY ADV. SRI.T.K.AJITH KUMAR
SRI.SUSHANTH.J.

RESPONDENTS:

STATE OF KERALA, SUB INSPECTOR OF
POLICE, PANDIKKAD POLICE STATION,
REP.BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA.

BY PUBLIC PROSECUTOR SRI.P.N.SUKUMARAN

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 02/04/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

V. RAMKUMAR, J.

B.A. No. 2004 OF 2007 A

Dated this the 2nd day of April, 2007

O R D E R

In this Petition filed under Sec. 439 Cr.P.C. the petitioner, who is the accused in Crime No.36/2007 of Pandikkad Police Station for offences punishable under Secs.376, 450, 506(i) and 313 I.P.C., seeks his enlargement on bail.

2. The case of the prosecution is that the petitioner committed rape of 20 year old victim on three occasions and after impregnating her, he got her pregnancy aborted by intimidating her.

3. This court while disallowing the petitioner's prayer for anticipatory bail had directed him to surrender before the Investigating Officer for interrogation. Accordingly, the petitioner surrendered before the Investigating Officer on 26.3.2007. His potency test was also done.

4. I heard the learned counsel for the petitioner and the learned Public Prosecutor.

5. Having regard to the nature of the offences, the duration of judicial custody of the petitioner and the other circumstances of the case etc., I am inclined to grant bail to the petitioner. Accordingly, the petitioner is directed to be released on bail on his executing a bond for Rs.10,000/- (Rupees ten thousand only) with two solvent sureties each

for the like amount to the satisfaction of the J.F.C.M.-II, Perinthalmanna and subject to the following conditions:

1. The petitioner shall report before the Investigating Officer between 9 a.m. and 11 a.m. on all Wednesdays.

2. The petitioner shall make himself available for interrogation as and when required by the police till the filing of the final report.

3. The petitioner shall not influence or intimidate the prosecution witnesses nor shall he attempt to tamper with the evidence for the prosecution.

4. The petitioner shall not commit any offence while on bail.

If the petitioner commits breach of any of the above conditions, the bail granted to him shall be liable to be cancelled.

This application is allowed as above.

(V. RAMKUMAR, JUDGE)

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